

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated July 19, 2006 (hereinafter Office Action) have been considered. Claims 1-50 remain pending in the application. Claims 1, 34, and 46-49 have been amended. Reconsideration of the pending Claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 34, and 46-49 have been amended. Support for the Claim amendments can be found in the Applicant's Specification at page 18, lines 1-22, among other locations.

Claims 1-8, 10-38, 40-42 and 44-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Publish dynamic application on the Web (using CGI to create dynamically updated pages), D. McClanahan, Internet, Web, Online Service Information, Database Web Advisor, v 15, n4, April 1997, p. 60(1) (herein after "*McClanahan*") in view of Using XML to Develop Applications for WAP and WWW Environments, M. Honkala, Helsinki University of Technology, 2000 (hereinafter "*Honkala*"). The Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness based on a combination of references, three basic criteria must be met, as is set forth in M.P.E.P. §2143:

- 1) There must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) There must be a reasonable expectation of success; and
- 3) The prior art references must teach or suggest all of the Claim limitations.

In the rejection of independent Claims 1, 34, and 46-49, the Examiner discusses transferring HTML content (a web page) from a web server to a client device. (Office Action, Page 3). Independent Claims 1, 34, and 46-49 have each been amended to recite some variation of transferring the provisioning information to at least one mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for the at least one mobile terminal. As such, the Examiner's example of transferring HTML content (a web page) does not constitute a provisioning procedure

associated with establishing basic network connectivity for the at least one mobile terminal. Moreover, no such teaching or suggestion of transferring provisioning information to at least one mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for at least one mobile terminal exists within the *McClanahan* or *Honkala* references, alone or in combination. As such, the *McClanahan* reference does not teach each and every element and limitation of amended independent Claims 1, 34, 46, 47, 48, and 49, even in combination with the *Honkala*. Therefore, withdrawal of the obviousness rejection of independent Claims 1, 34, and 46-49 is respectfully submitted.

Claims 2-8, 10-33, 35-38, 40-42, 44, 45, and 50 are ultimately dependent from independent Claims 1, 34, and 49. The combination of *McClanahan* and *Honkala* fails to suggest the invention set forth in independent Claims 1, 34, and 49, as discussed above. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicant respectfully submits that the cited combination of references at least fails to teach or suggest all of the Claim limitations. For at least this reason, Claims 2-8, 10-33, 35-38, 40-42, 44, 45, and 50 are not rendered obvious by the combination of *McClanahan* and *Honkala*, and withdrawal of the rejection is respectfully solicited.

Claims 9, and 43, which are ultimately dependent from independent Claims 1 and 34, stand rejected under 35 U.S.C. §103(a) as being obvious over *McClanahan* in view of *Honkala* in further view of *Malte Borcharding* (hereinafter “*Borcharding*”). In addition, Claim 39, which is ultimately dependent from independent Claim 34, stands rejected under 35 U.S.C. §103(a) as being obvious over *McClanahan* in view of *Honkala* in further view of WAP Push OTA Protocol, version Nov. 8, 1999 (hereinafter “WAP Push”). The Applicant respectfully traverses the rejections.

For the rejections of Claims 9, 39, and 43, the Examiner relies on *McClanahan* and *Honkala* as teaching the substance of Claims 1 and 34, from which Claims 9, 39, and 43 are dependent, respectively. The Examiner does not rely on *Borcharding* nor WAP Push as providing a remedy to the deficiencies of *McClanahan* and *Honkala* as it pertains to independent Claims 1 and 34. Thus, because neither *McClanahan*, *Honkala*, *Borcharding*,

nor WAP Push teach at least the recitations of Claim 1 and 34, a combination of *McClanahan*, *Honkala*, *Borcherding*, and WAP Push fails to teach these recitations. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicant respectfully submits that the cited combination of references at least fails to teach or suggest all of the Claim limitations. For at least this reason, Claims 9, 39, and 43 are not rendered obvious by the combination of *McClanahan*, *Honkala*, *Borcherding*, and WAP Push, and withdrawal of the rejection is respectfully solicited.

For the rejections of Claims 28-30, the Examiner takes Official Notice “that the communication associated with bootstrap process via which an application identifier and the associated application access parameter upon initial configuration of the mobile terminal ... was old and well known in the art.” (Office Action, pages 6-7) The taking of Official Notice by the Examiner must be “capable of such instant and unquestionable demonstration as to defy dispute” (in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970); citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). The Applicant respectfully disagrees with the Examiner’s statement that “it would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to include said bootstrapping process for receiving said services” based on the Examiner’s description of “a client preconfigured with a URL ... used to rendezvous with the HTTP server where a set of properties lists are installed.” (Office Action, page 7). The above statement at least does not take into account bootstrapping as it applies to the mobile provisioning context of Claims 28-30, particularly when these claims are considered as a whole. The Applicants respectfully submit that a bootstrapping processes involving the initial configuration of mobile terminals and their identifier/access parameters as described in Claims 38-30 would not be not obvious to one of ordinary skill in the art.

Furthermore, it would appear that the Examiner is taking official notice that the elements of the Applicant’s Claims 28-30 constitute facts outside of the record which are capable of instant and unquestionable demonstration as being well known or obvious to one skilled in the art. Should the Examiner maintain the rejection, the Applicant requests that the Examiner produce a reference that supports the Examiner’s assertion that Claims 28-30

are obvious. In particular, the Examiner is requested to provide evidence that discloses all of the limitations of Claims 28-30 and also that provides motivation for modifying any reference or for combining references.

It is to be understood that the Applicant does not acquiesce to the Examiner's characterization of the asserted art or the Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to the Applicant's claimed subject matter. Moreover, the Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, what one would be motivated to do, and known in the art. The Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in the Applicant's pending Claims. The Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

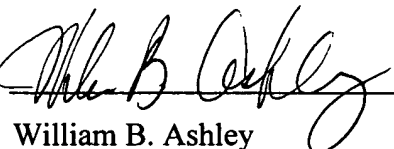
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.017PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him to discuss any issues related to this case.

Respectfully submitted,

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By:

  
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